



DEPARTMENT OF ENVIRONMENTAL PROTECTION
Monthly Enforcement Report
for actions during August 2009
DISTRIBUTED: September 17, 2009

This report has been prepared to satisfy a statutory obligation the Maine Department of Environmental Protection has to inform the public of certain enforcement resolutions. Please contact Peter Carney at (207) 287-4305 or peter.j.carney@maine.gov for additional information regarding the activities listed in this report. The full text of most Administrative Consent Agreements is available on the Board of Environmental Protection's website at <http://www.maine.gov/dep/bep/agenda.htm>.

The following cases were resolved to achieve compliance with the law; remediate environmental damage; restore natural resources to appropriate conditions; and impose penalties to deter similar actions in the future.

Administrative Consent Agreements Approved by the Board of Environmental Protection and Office of the Attorney General (party followed by location):

Air:

We Care Cleaners, Inc., Kittery, Maine. We Care Cleaners, Inc. ("We Care Cleaners") violated the Department's *Perchloroethylene Dry Cleaner Regulation* by failing to register as the owner or operator of a dry cleaner; failing to keep records concerning perchloroethylene purchased for the most current twelve month period; failing to keep a log of the twelve month rolling total of perchloroethylene consumed; failing to keep a log of inspection and repairs for dry cleaning machines and control equipment; failing to inspect dry cleaning machine components; and failing to have a leak detector and conduct weekly tests for perchloroethylene leaks. To resolve the violations, We Care Cleaners agreed to submit an annual registration as the owner or operator of a dry cleaner and paid a civil monetary penalty of \$2,100.

Land:

James Monroe Jr., Union, Maine. James Monroe Jr. ("Monroe") violated provisions of Maine's *Natural Resources Protection Act* by filling, dredging, and displacing soil and vegetation in a freshwater wetland without first obtaining a permit from the Department, the *Stormwater Management* law by constructing or causing to be constructed a project that includes one or more acres of disturbed area without first obtaining a permit from the Department, and the *Erosion and Sedimentation Control* law by conducting or causing to be conducted an activity that involves filling, displacing, or exposing soil or other earthen materials without taking measures to prevent unreasonable erosion of soil or sediment beyond the project site or into a protected natural resource. Specifically, ten to fifteen acres of a property owned by Monroe were logged, stumped, and grubbed and a road approximately 0.5 miles long and twenty feet wide was built on the property. Two wetland swales were diverted and a pond constructed resulting in approximately 4,500 square feet of freshwater wetland impacts. At the time of a Department inspection, no erosion or sedimentation controls were in place and significant erosion and sedimentation beyond the project site was visible. Following Department involvement, Monroe submitted a restoration plan to the Department to completely restore the disturbance and submitted an after-the-fact stormwater permit-by-rule notification, which was approved by the Department, for the soil disturbance activities. The restoration plan was approved by the Department and a subsequent inspection revealed that the restoration was completed and the site stabilized to the satisfaction of Department staff. To resolve the violations, Monroe paid \$3,584 as a civil monetary penalty.

Mining:

J.R. Hill & Sons, Inc., Sabattus, Maine. J.R. Hill & Sons, Inc. ("J.R. Hill") violated provisions of Maine's *Performance Standards for Excavations* by expanding a gravel pit by more than five acres since 1970 without first filing a "Notice of Intent to Comply" pursuant to the requirements of the *Performance Standards for Excavations*. Department staff determined that the gravel pit had been expanded by approximately nine acres since 1970.



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Following Department involvement, J.R. Hill filed the required Notice of Intent to Comply. To resolve the violation, J.R. Hill paid past due annual fees and paid \$2,500 as a civil monetary penalty.

Oil:

Precision Paving, Greenville, Maine. Precision Paving violated provisions of Maine's *Oil Discharge Prevention and Pollution Control* laws by suffering or causing a prohibited discharge of oil and failing to immediately undertake to remove a prohibited discharge of oil. Specifically, a de-barking machine being transported by a Precision Paving employee on a tractor trailer struck a bridge damaging a hydraulic hose on the de-barking machine which resulted in the discharge of oil to the road, a parking area, storm drains, and a stream tributary to Moosehead Lake. Limited spill clean up activities were undertaken by Precision Paving, the remainder of clean up activities were undertaken by the Greenville Fire Department. To resolve the violations, Precision Paving agreed to clean up and report any future oil spills and paid \$3,500 as a civil monetary penalty.

District Court Enforcement Resolutions (party followed by location):

Land:

Richard M. Deleskey and Melissa Deleskey, New Sharon, Maine. Richard M. Deleskey and Melissa Deleskey (the "Deleskeys") violated provisions of Maine's *Natural Resources Protection Act* by removing and displacing, or causing to be removed and displaced, rocks from the bottom of a stream, a protected natural resource, and depositing those rocks as fill in the stream. Specifically, the Deleskeys constructed or caused to be constructed several horizontal rock dams in Kinney Brook by removing and displacing rocks from the stream bottom and depositing them as fill within the stream. To resolve the violation, the Deleskeys entered into a Consent Decree and Order under which they will remove the rock dam structures and distribute the rocks randomly along the stream bottom to reflect the surrounding natural distribution, and pay a civil monetary penalty of \$2,800 of which \$1,000 is suspended and permanently waived upon compliance with the provisions contained in the order.

John R. Hupper, St. George, Maine. John R. Hupper ("Hupper") violated provisions of Maine's *Natural Resources Protection Act* by permitting an agent to remove vegetation in a freshwater wetland without first obtaining a permit from the Department. Department staff found that approximately 34,848 square feet of freshwater wetland on Hupper's property had been altered by cutting vegetation with a "bush hog." A subsequent inspection by Department staff revealed that the vegetation had begun to naturally reestablish itself; therefore, no further restoration of the affected area was deemed necessary. To resolve the violation, Hupper entered into a Consent Decree and Order under which he paid \$2,300 as a civil monetary penalty.